

### **REMARKS**

Claims 1 to 32 are pending in this application. In the Final Office Action dated January 23, 2007, the Examiner stated that claims 1 to 18 and 21 to 32 are allowed but rejected claims 19 and 20 under 35 U.S.C. § 102(b) as being anticipated by DE 10108493 (Obendiek).

Claims 19 and 20 have been amended for clarification, support being found in [0068] et seq., for example.

Reconsideration of the application based on the following is respectfully requested.

Applicants thank the Examiner for his allowing claims 1 to 18 and 21 to 32. However, Applicants traverse the rejection of claims 19 and 20.

Applicants respectfully note that the claim listing herein accurately represents the current listing of claims including the amendments made to claims 19 to 21 and 24 in the Response to Office Action filed September 13, 2005; and that the claim listing in the Response to Office Action filed October 25, 2006 erroneously contains the older version of these claims before they were rewritten in independent form. Applicants apologize for any confusion this may have caused and thank the Examiner for properly identifying the current claim listing, on which the current Office Action is based.

Obendiek discloses a convertible vehicle top comprising a middle first roof part 5 and a front second roof part 4.

#### **Claim 19**

With respect to claim 19, claim 19 has been amended for clarification and now recites “a link pivotably connected to the first roof part so that the link and the first roof part are capable of rotating relative to each other”.

It is respectfully submitted that Obendiek does not teach or disclose “a link pivotably connected to the first roof part so that the link and the first roof part are capable of rotating relative to each other” as claimed.

Figs. 2 and 3 of Obendiek clearly show that the link 28 is pivotably connected to the middle four-bar-linkage at its one (left) end and to the main link 26 at its other (right) end. A comparison between Figs. 2 and 3 showing different pivoting positions of the vehicle top's linkage reveals that whereas the link 27 is fixedly connected to the middle roof part 5, the link 28 is shifted longitudinally with respect to the middle roof part 5. If the link 28 was pivotably connected to the middle roof part 5, the linkage would block. Instead, for proper functioning of the linkage of Obendiek, the link 28 must be able to be shifted relative to said roof part in order to transmit a rotative movement of the main link 26 to the middle four-bar-linkage 24. The link 28 is neither attached nor pivotably connected to the middle roof part 5.

Moreover, according to Fig. 3 of Obendiek, the pivots 18b and 18c just belong to a transmitting four-bar linkage 18 by which the translative movement of the bar 28 is transmitted to the front four-bar linkage 19 and the bar 21, respectively. However, pivots 18b and 18c cannot be understood that the bar is thereby (pivotably) connected to the roof part 5 such that the link and the first roof part being capable to rotate relative to each other.

Withdrawal of the rejection to claim 19 thus is respectfully requested.

#### Claim 20

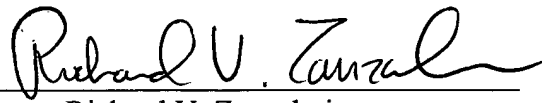
With respect to claim 20, claim 20 also has been amended for clarification and now recites "a link pivotably connected to the first roof part so that the link and the first roof part are capable of rotating relative to each other". Applicants point out that claim 20 has been amended for clarification in the same manner that claim 19 has been amended for clarification, with the same text being added to both claims for clarification. It is respectfully submitted that Obendiek does not teach or disclose "a link pivotably connected to the first roof part so that the link and the first roof part are capable of rotating relative to each other" as claimed in the present invention. Therefore, for the reasons stated above with respect to claim 19, it is respectfully submitted that claim 20 also is not anticipated by Obendiek.

Withdrawal of the rejection to claim 20 thus is respectfully requested as well.

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action. If, upon review, the Examiner has any questions with regard to this Response or is for any reason unable to allow the pending claims as presented, the Examiner is respectfully requested to telephone Applicant's undersigned attorney in order to resolve any outstanding issues and advance the prosecution of the case.

Respectfully Submitted,  
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